



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Kenneth W. BAIR, et al.  
TITLE : UPRIGHT VACUUM CLEANER WITH  
CYCLONIC AIR FLOW  
APPLICATION NO. : 10/840,058  
FILED : May 6, 2004  
CONFIRMATION NO. : 6649  
EXAMINER : Terrence R. Till  
ART. UNIT : 1744  
LAST OFFICE ACTION : September 24, 2004  
ATTORNEY DOCKET NO. : RYLZ 2 00535-3-3-2-1-1-1  
Cleveland, OH 44114  
January 24, 2005

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**  
(37 CFR 1.321(b))

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**Identification Of Person(s) Making This Disclaimer**

Name(s) of disclaimant: Jay F. Moldovanyi and  
James E. Scarbrough of  
Fay, Sharpe, Fagan, Minnich & McKee, LLP  
1100 Superior Avenue, Seventh Floor, Cleveland, Ohio 44114,

represent that I am

- ☐ an inventor of this invention  
☐ an assignee of this invention  
☒ a representative authorized to sign on behalf of the assignee identified below.

**Identity of Assignee and  
Title of Disclaimant (if applicable)**

The Assignee is

Name of Assignee: Royal Appliance Mfg. Co.  
Address of Assignee: 650 Alpha Drive, Cleveland, OH 44143

Title of disclaimant: Registered Attorney for Assignee authorized to sign on behalf of Assignee

### Recordal of Assignment in PTO

X the assignment was recorded on February 26, 1999 at Reel 9786, Frame 0985.  
\_\_\_\_ authorization for recordal of the assignment is separately attached

### Extent of Interest

The extent of my (our) interest is in

X the whole of the invention  
\_\_\_\_ a sectional interest in this invention as follows (here state the exact interest of the disclaimant(s):

I state that the relevant evidentiary documents have been reviewed, and certify that to the best of my knowledge and belief, title is in the assignee taking this action.

### Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

X United States Patent Nos. 6,070,291; 6,591,446; and 6,735,815

\_\_\_\_ Any patent granted on application number 0 / \_\_\_\_\_,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

X United States Patent Nos. 6,070,291; 6,591,446; and 6,735,815

\_\_\_\_ Any patent granted on application number 0 / \_\_\_\_\_,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

X United States Patent Nos. 6,070,291; 6,591,446; and 6,735,815 as presently shortened by any terminal disclaimer

\_\_\_\_ Any patent granted on application number 0 / \_\_\_\_\_,

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is

reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

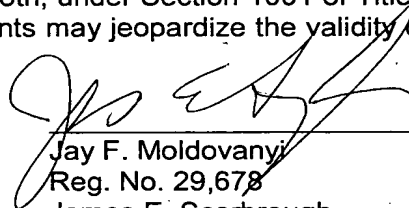
**Fee Status**  
(37 CFR 1.20(d) and 37 CFR 1.321)

- ☒ other than a small entity - fee \$ 130.00  
☐ small entity - fee \$ 65.00  
☐ verified statement attached  
☐ verified statement filed on

**FEE PAYMENT**

- Attached is a check in the amount of \$ \_\_\_\_\_  
☒ Charge Deposit Account No. 06-0308 for any fee deficiency required by this paper.  
☒ Charge Deposit Account No. 06-0308 in the sum of \$130.00. A duplicate copy of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Jay F. Moldovanyi  
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Reg. No. 47,056  
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1100 Superior Avenue, Seventh Floor  
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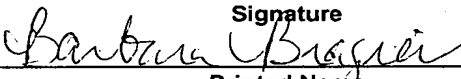
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Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this **Terminal Disclaimer to Obviate A Double Patenting Rejection in connection with U.S. Patent Application Serial No. 10/840,058** is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.  
☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.  
☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<b>Express Mail Label No.:</b>
<b>Date</b> January 24, 2005

<b>Signature</b> 
<b>Printed Name</b> Barbara Brazier